

TIVERTON TOWN COUNCIL

Regular Meeting: Monday, September 14, 2009 at 7:00 p.m.

NOTE: Individuals requesting interpreter services for the hearing impaired must contact the Town Clerk's Office at 343 Highland Road or call (401) 625-6704 seventy-two (72) hours in advance of the meeting date.

DATE POSTED: 09-10-09

1. PLEDGE OF ALLEGIANCE TO THE FLAG

2. ROLL CALL

Donald Bollin-President

JoAnne Arruda-Vice President

Hannibal Costa

Louise Durfee

Jay Lambert

Cecil E. Leonard

Edward Roderick

3. APPROVAL OF CONSENT AGENDA

All items listed with a (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

4. A. BUSINESS BROUGHT BEFORE THE COUNCIL

CONSENT AGENDA:

- (C.A.) 1. a. Approval of Minutes from August 24, 2009 Regular Council Meeting
b. Approval of Executive Session Minutes from August 24, 2009 Council Meeting
c. Approval of Special Meeting and Workshop on August 31, 2009
d. Approval of Executive Session Minutes Sp Meeting August 31, 2009
e. Approval of Workshop Minutes March 30, 2009
- (C.A.) 2. Receipt of Minutes from the Following Boards, Commissions
a. Art's Council
b. Planning Board
c. Open Space Commission
d. Building Code Board of Appeals
e. Zoning Board of Review
- (C.A.) 3. Correspondence – Receive and File
a. Received From Friends of Tiverton Libraries – Fall 2009 News Letter, Notice for New Public Library Community Workshop September 23rd, Invitation to Simple Sunday Supper September 20th
b. Received From City of Providence – Resolution Recognizing September as “Ovarian Cancer Awareness Month”
c. Received From Town of Glocester – Resolution Urging Support for Carcieri v. Salazar Supreme Court Decision
d. Received From Town of Portsmouth – Resolution Opposing Reinstatement of Toll on the Mt. Hope Bridge
e. Received From Town of Middletown – Resolution to Enact Legislation Criminalizing Prostitution
f. Received From Laura Epke Requesting Council Obtain Report Clarifying Financial Position of Town as of June 30, 2009

- g. Received From Treasurer DiMattia – July 09 Budget, Revenue & Carry Forward Reports

(C.A.) 4. Adoption of Resolution Opposing Binding Arbitration for Teacher Contracts

(C.A.) 5. Adoption of Proclamation for “Constitution Week” September 17 through 23rd

(C.A.) 6. Approval of Tax Assessor Abatements

(C.A.) 7. Distribution of Pocasset Hill Cemetery Handbook for Review, Comment and Approval on September 29th Meeting

(C.A.) 8. Main Road Parking Input Hearing Tabled Until Additional Information Received

B- BOARD OF LICENSING COMMISSIONERS

(C.A.) 1. Fuel Circle Inc. d/b/a Seaside Gas – Request Tobacco Dealers License – Subject to Meeting All Legal Requirements

(C.A.) 2. Krystle L. Oliveira d/b/a Common Cents – Request Holiday License – Subject to Meeting All Legal Requirements

C - APPOINTMENTS & RESIGNATIONS:

(C.A.) 1. Adoption of Resolution Appointing Representatives to East Bay Energy Consortium
Garry Plunkett, Voting Member
Dennis Culberson, First Alternate
Noel Berg, Second Alternate

D – BIDS AND REQUESTS FOR PROPOSALS

(C.A.) 1. DPW Director – Request Approval to Solicit Bids for Landfill Cover

(C.A.) 2. DPW Director – Request Approval to Solicit Bids for Hydraulic Lift Gate

(C.A.) 3. DPW Director – Request Approval to Solicit Bids for Mower/Brush Cutter Purchase

E –PUBLIC HEARING –ADVERTISED

1. Tiverton Power, Inc. Attorney Richard A. Sherman – Proposed Amendment to the Town Zoning Map Continued From August 24th Council Meeting
 - a. Public Hearing to be Continued to November 23rd

F – FINANCIAL BUSINESS:

1. Councilor Roderick – Discussion of Handling Funds Relative to Bay Street Clean Up
 - a. Unseal Agreement with Plaintiffs in Corvello v. NE Gas and Town of Tiverton
 - b. Unseal Mutual Release
2. Councilor Roderick – Discussion Regarding Use of Financial Advisor
3. Philip DiMattia, Town Treasurer
 - a. Tiverton Library Health Insurance Return of Excess Appropriation

- b. FY 2009-2010 Overtime for Police and Fire Departments
- c. Budget Committee FY 2010 Revenue-Expenditure Reconciliation

F - UNFINISHED BUSINESS:

G - NEW BUSINESS:

- 1. Jan Bergandy, Tiverton School Committee Chair – Proposed Changes to RIGL per Teacher’s Contracts
- 2. Councilor Leonard – Use or Disposition of Ranger and Nonquit Schools
- 3. Councilor Roderick – Discussion Regarding CDBG Grant Process
- 4. Town Administrator /Peter Moniz – RIDOT Signage for Stafford and Crandall Roads
- 5. DPW Director – Permission to Advertise for Public Hearing to Amend Fee Resolution to Include Fee for Couch and Stuffed Chair Recycling

I - TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

J – COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS

K – TOWN SOLICITOR – ANNOUNCEMENTS, COMMENTS AND QUESTIONS

5. CLOSED EXECUTIVE SESSION

- 1. Town Administrator – 42-46-5(a)(1) Personnel Matters – Fire Chief Lloyd
- 2. Town Solicitor - Litigation – 42-46-5(a) (2)
- 3. Town Solicitor – 42-46-5(a)(6) - Prospective Business or Industry

A portion of this meeting may be held in executive session pursuant to the Open Meeting Law, Section 42-46-5(a) of the General Laws of Rhode Island, 1956 (1986 Reenactment), as amended.

- 6. ADJOURNMENT** Pursuant to RIGL §42-46-6(b). Notice – “Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.”